

**HAMPTON COUNTY GENERAL SESSIONS COURT  
HAMPTON, SOUTH CAROLINA**

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**State Auditor's Report  
June 30, 2008**

**HAMPTON COUNTY GENERAL SESSIONS COURT  
HAMPTON, SOUTH CAROLINA**

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# *State of South Carolina*



## *Office of the State Auditor*

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November 7, 2008

The Honorable Mark Sanford, Governor  
State of South Carolina  
Columbia, South Carolina

The Honorable Mylinda D. Nettles, Clerk of Court  
Hampton County  
Hampton, South Carolina

This report resulting from the application of certain agreed-upon procedures to certain accounting records of the Hampton County General Sessions Court System for the period July 1, 2007 through June 30, 2008, was issued by Cline Brandt Kochenower & Co., P.A., Certified Public Accountants, under contract with the South Carolina Office of the State Auditor.

If you have any questions regarding this report, please let us know.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard H. Gilbert Jr.", written in a cursive style.

Richard H. Gilbert, Jr., CPA  
Deputy State Auditor

RHGjr/cwc

Richard H. Gilbert, Jr., CPA  
Deputy State Auditor  
Office of the State Auditor  
Columbia, South Carolina

We have performed the procedures described below which were agreed to by the South Carolina Office of the State Auditor solely to assist these users in evaluating the performance of the Hampton County General Sessions Court System and to assist the South Carolina Office of the State Auditor in complying with the 2007 - 2008 General Appropriations Act (H. 3620) Section 72.75. Mylinda D. Nettles, Clerk of Court for the Hampton County is responsible for compliance with the requirements for the General Sessions Court reporting and the South Carolina Office of the State Auditor is responsible for compliance with the requirements of the 2007 - 2008 General Appropriations Act (H. 3620) Section 72.75. This engagement to apply agreed-upon procedures was performed in accordance with attestation standards established by the American Institute of Certified Public Accountants. The sufficiency of the procedures is solely the responsibility of the specified users of the report. Consequently, we make no representation regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose.

The procedures and associated findings are as follows:

#### 1. TIMELY REPORTING BY THE CLERK OF COURT

- We researched South Carolina Code of Laws Section 14-17-750 to determine the definition of timely reporting with respect to the Clerk of Court's responsibility for reporting fines, fees and assessments to the County Treasurer.
- We inquired of the South Carolina Judicial Department to determine their requirements for both the manner in which partial pay fines and fees are to be allocated and the timing of the report and remittance submissions by the Clerk and the Treasurer.
- We inquired of the Clerk of Court and County Treasurer to gain an understanding of their policy for ensuring timely reporting and to determine how the treasurer specifically documents timeliness.
- We inspected documentation, including the Clerk of Court Remittance Forms or equivalents for the months of July 1, 2007 through June 30, 2008 to determine if the Clerk of Court submitted the reports to the County Treasurer in accordance with the law.

We found no exceptions as a result of the procedures.

## **2. TIMELY ACCURATE RECORDING AND REPORTING BY THE COUNTY**

- We traced each month's reporting by the Clerk of Court to the County Treasurer's office and to the County's general ledger accounts for the assessments (Sections 14-1-206(A), (B) and (D)) and victim assistance surcharge (Section 14-1-211) for the period July 1, 2007 to June 30, 2008.
- We compared the amounts reported on the Clerk of Court Remittance Forms or equivalents to the Clerk of Court's software system-generated report summaries for three judgmentally determined test months. We tested the system-generated reports for compliance with various laws including Section 35.11 of the General Appropriations Act for the fiscal year 2007 - 2008 and with South Carolina Judicial Department training instructions and interpretations.
- We judgmentally selected and compared individual fine and assessment amounts recorded in the Clerk of Court's software system-generated detail reports to the Judicial Department guidelines' range for the offense code to see if the fine and assessment were within the minimum and maximum range.

Our findings are reported under "TIMELY ACCURATE RECORDING AND REPORTING BY THE COUNTY" in the Accountants' Comments section of this report.

## **3. PROPER VICTIM ASSISTANCE FUNDS ACCOUNTING**

- We inquired as to the format determined by County Council and local policy for record keeping as it relates to fines and assessments in accordance with Section 14-1-206(E)(4).
- We compared the fiscal year-ended June 30, 2007 audited Victim Assistance fund balance with all adjustments to the fund balance shown in the Supplemental Schedule of Fines and Assessments and on page 59 of the audited financial statement and to the beginning fund balance as adjusted in that fund for fiscal year 2008.
- We judgmentally selected a sample of Victim Assistance reimbursable expenditures and verified that these expenditures were in compliance with Section 14-1-206(E) and Section 14-1-211(B).

We found no exceptions as a result of the procedures.

#### 4. TIMELY ACCURATE REPORTING TO THE STATE TREASURER

- We vouched the amounts reported in the South Carolina State Treasurer's Revenue Remittance Forms to Clerk of Court Remittance Forms or equivalents for the period July 1, 2007 to June 30, 2008.
- We scanned the South Carolina State Treasurer's Revenue Remittance Forms for timely filing in accordance with Section 14-1-206(B).
- We traced amounts recorded in the County's Supplemental Schedule of Fines and Assessments on page 59 of the year ended June 30 2007 report related to fines and assessments revenues reporting in accordance with Section 14-1-206(E) to supporting schedules used in the audit to comply with Section 14-1-206(E).
- We traced and agreed amounts in the supporting schedules to the Clerk of Court Remittance Forms or South Carolina State Treasurer's Revenue Remittance Forms.

Our finding is reported under "TIMELY ACCURATE REPORTING TO THE STATE TREASURER" in the Accountants' Comments section of this report.

We were not engaged to, and did not conduct an audit the objective of which would be the expression of an opinion on compliance with the collection and distribution of court generated revenue at any level of court for the twelve months ended June 30, 2008 and, furthermore, we were not engaged to express an opinion on the effectiveness of the internal controls over compliance with the laws, rules and regulations described in paragraph one and the procedures of this report. Had we performed additional procedures other matters might have come to our attention that would have been reported to you.

This report is intended solely for the information and use of the Governor, Chairmen of the House Ways and Means Committee, Senate Finance Committee, House Judiciary Committee, Senate Judiciary Committee, members of the Hampton County Council, County Clerk of Court, County Treasurer, State Treasurer, State Office of Victim Assistance, Chief Justice and the Office of the State Auditor and is not intended to be and should not be used by anyone other than these specified parties.

A handwritten signature in blue ink, appearing to read "Clint Brantley CPA".

July 22, 2008

**ACCOUNTANTS' COMMENTS**

**HAMPTON COUNTY GENERAL SESSIONS COURT**  
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**VIOLATIONS OF STATE LAWS, RULES OR REGULATIONS**

Management of the entity is responsible for establishing and maintaining internal controls to ensure compliance with State Laws, Rules or Regulations. The procedures agreed to by the entity require that we plan and perform the engagement to determine whether any violations of State Laws, Rules or Regulations occurred.

The conditions described in this section have been identified as violations of State Laws, Rules or Regulations.



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**TIMELY ACCURATE RECORDING AND REPORTING BY THE COUNTY**

**INSTALLMENT PAYMENTS ALLOCATION**

**CONDITION:** The Clerk of Court's computer system does not allocate fines paid on an installment basis ratably to all fine, assessment and surcharge categories as required.

**CRITERIA:** The Judicial Department memo dated June 29, 2007 Section A.10 states "When the fine and assessment are paid in installments, Section 35.11 of the Temporary Provisions of the General Appropriations Act suspends Section 14-1-209(A) for the fiscal year 2007 - 2008 and requires that 51.80722% of each installment be treated as a payment towards the assessment. The remaining 48.192771% is treated as a payment towards the fine. The fine amount must be further divided, with 56% of the amount being retained by the county, and 44% being remitted to the state. The assessment amount must further be divided, with 64.65% being transmitted to the state, and 35.35% being retained by the county for victim services. Prior to making these computations, you must determine what other assessments may apply (conviction surcharge, DUI assessments, etc.). Those charges must be collected separately and not included in the percentage splits explained above."

**CAUSE:** The Clerk's computer system is not programmed to properly allocate payments.

**EFFECT:** The County's installment payment allocations are not in compliance with the Judicial Department's guidance in the memo related to Section 35.11 of the Temporary Provisions of the General Appropriations Act for the fiscal year 2007-2008.

**AUDITORS' RECOMMENDATION:** We recommend the Clerk of Court meet with the software developer to program the software to allocate installment payments as required by law.

**REMITTANCE FORM ERROR**

**CONDITION:** The County Treasurer submitted State Treasurer's Revenue Remittance Form for September 2007 contained an error. The County Treasurer could not provide documentation to support the amount reported on line V of the revenue remittance form. The unsupported amount appears to be related to line Z.

**CRITERIA:** Each individual line item on the State Treasurer's Revenue Remittance Form has a reporting purpose related to the South Carolina Code of Laws that establishes the fine, fee, assessment or surcharge amount. The form instructions require reporting of the State's portion of Section 56-5-2940 General Session DUI SLED Pullout – 3<sup>rd</sup> Offense on line V. It requires the reporting of Magistrate's Law Enforcement Surcharges on line Z.

**CAUSE:** The County Treasurer inaccurately transferred an amount from the Magistrate's computer-generated report to the State Treasurer's Revenue Remittance Form for the month of September 2007. The incorrect information was subsequently submitted to the State Treasurer.

**EFFECT:** The County Treasurer incorrectly included \$3,374.77 in the amount reported on line V that should have been reported on line Z.

**AUDITORS' RECOMMENDATION:** The County should revise and resubmit the September 2007 State Treasurer's Revenue Remittance Form with the \$3,374.77 reported on the correct line.

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**SOFTWARE SYSTEM ASSESSMENT PROGRAM**

**CONDITION:** The County's software was not accurately assessing Title 56 misdemeanor traffic offenses by adding a \$100 conviction surcharge.

**CRITERIA:** South Carolina Code of Laws Sections 14-1-211 (A)(1) states "In addition to all other assessments and surcharges, a one hundred dollar surcharge is imposed on all convictions obtained in general sessions court ... in this State. The surcharge must not be imposed on convictions for misdemeanor traffic offenses."

**CAUSE:** The software was not properly programmed.

**EFFECT:** Because the Clerk of Court is manually removing these charges, there is no monetary effect. However, for this to continue to have no effect the Clerk of Court must be vigilant.

**AUDITORS' RECOMMENDATION:** We recommend the County contact the software vendor to modify the software to correctly account for the \$100 surcharge.

**TIMELY ACCURATE REPORTING TO THE STATE TREASURER**

**TIMELY FILING**

**CONDITION:** One of the twelve State Treasurer's Remittance Reports for the procedures period July 1, 2007 through June 30, 2008 was not timely filed. This report was 5 days late.

**CRITERIA:** South Carolina Code of Laws Sections 14-1-206 (B) states "The County treasurer must remit ... on a monthly basis by the fifteenth day of each month...."

**CAUSE:** The Treasurer did not remit the report in a timely manner.

**EFFECT:** The County did not comply with Section 14-1-206(B).

**AUDITORS' RECOMMENDATION:** The County should develop and implement a policy to ensure compliance with State law.

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**CORRECTIVE ACTION PLAN**

Management has elected not to respond.